

ANNO REGNI

CAROLI

REGIS ANGLIÆ, SCOTIÆ,

FRANCIÆ, & HIBERNIÆ,

Decimo Septimo.

At the Parliament begun at
Westminster the third day of
November, *An.D.* 1640.

In the 16. year of the Reign of our
most gracious Sovereign Lord *Charles*,
by the grace of God, of England
Scotland, France, and Ireland
King, Defender of the
Faith, &c.

An Act for the confirmation
of the Treaty of Pacification be-
tween the two Kingdoms of
England and Scotland.

OXFORD,

Reprinted by LEONARD LICHFIELD,
Printer to the *University*.

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1948-1950

10. *Chlorophyll*

At the Parliament begun at

70. The birth of the nation

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THE UNIVERSITY OF CHICAGO

and the same day the following Chapter.

by the Council of God, of England

1/24/77 10:00 AM

AN ACT for the construction

of the Treasury of the Republic of

2. 1970-1971

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Reprinted by Thomas Nelson

Printed at the University Press, Cambridge.

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ANNO XVII.

CAROLI REGIS.

An Act for the confirmation of the Treaty
of Pacification between the two Kingdoms

of ENGLAND and SCOTLAND



WHEREAS by His Majesties
Royall Willdome and Princely
care of the Peace and happinesse
of His Majesties Obminions; a
Treaty hath been appoynted for
removing of all Differences rai-
sed betwixt the two Kingdoms,
and betwixt the King and His
Subjects of Scotland, and for set-
tling and assuring a firm and ble-
ssed Peace for all time to come;

and a Commission hath been given under the great Seal of
England, with approbation of both Houses of Parliament,
bearing date the three and twentieth day of November, in the

ANNO xvii.

sixteenth yeare of His Majesties reign, and in the words following.



H A R L E S.

By the grace of G o d, King
of *England, Scotland, France,*
and *Ireland*, Defender of
the Faith, &c. To Our right
trusty and right welbeloved
Cousins, *Francis*, Earle of

Bedford, *William*, Earle of *Hertford*, *Robert*, Earle
of *Essex*, and to Our right trustie and right welbelo-
ved Cousin and Counsellour, *William*, Earle of *Salis-*
bury, and to Our right trusty and right welbeloved
Cousin, *Robert*, Earle of *Warwick*, and to Our right
trusty and right welbeloved Cousin, *John*, Earle of
Bristol, and to Our right trusty and right welbeloved
Cousin and Counsellour, *Henry*, Earle of *Holland*,
and to Our right trusty and right welbeloved Cousin
and Counsellour, *Thomas* Earle of *Berks*, and to Our
right trusty and welbeloved, *Philip* Lord *Wharton*,
William Lord *Paget*, *Edward* Lord *Kimboulton*, *Ro-*
bert Lord *Brooke*, *John* Lord *Powlet*, *Edward* Lord
Howard of *Elcricke*, *Thomas* Lord *Savile* and *Francis*
Lord *Dunsmore*, Greeting.

Whereas

CAROLI REGIS.

W Hereas diuerſe of Our Subjects of *Scotland*, have by their ſeverall Petitions humbly beſought Us, that We would be graciouſly pleaſed to grant unto them certain Demands; We re- poſing ſpeciall truſt and confidence in your wiſdoms and fidelities, have named, aſſigned, and appointed you, and by theſe preſents do name, aſſigne, and appoint you to be Our Commiſſioners; And do hereby give and grant unto you, or any ten or more of you, full power and authority, to treat with *John Earle of Rothels*, *Charles Earle of Dunfermeling*, *John Lord Lowden*, Sir *Patrick Hepburne* of Waughtone, Sir *William Douglas* of Cavers, *William Drummond* of Riccarton, *John Smith* Bailiffe of *Edenborough*, *Alexander Wedderburne* Clerk of *Dundy*, *Hugh Kenne- dy* Burgeſſe of *Aire*, *Alexander Henderſon*, and *Archibald Johnſton*, or any of them, or any others deputed or to be deputed by Our ſaid Subjects of *Scotland*, or nominated or to be nominated on their behalf, and to take into your ſerious conſideration the ſaid Demands, and compoſe, conclude, and end all differences ariſing thereupon, or otherwiſe, as you, or any ten or more of you in your wiſdomes ſhall think fit, and whatſoever you Our ſaid Commiſſioners, or any ten or more of you ſhall do in the premiſes. We

do by these prelents ratifie and confirme the same.

In witnesse whereof, We have caused these Our Letters to be made Patents: Witnesse Our self at Westminster the thirte and twentieth day of November, in the sixteenth year of Our Raignt. Per ipsum Regem.

And in like manner a Commission hath been granted by the Committees of the Parliament of Scotland, bearing date the last of October, and fourth dayes of November, 1640. year, and in the words following.

WE the Commissioners of the Parliament of Scotland, being a full number of both the Quorums thereof, under subscrivand.

Forsomikell as the Kings Majesty Our dread Sovereign has been graciously pleased upon our humble supplications to appoint ane Treatie and Conference at *Rippon* betwixt our Commissioners, choisen and sent by us for that effect, and ane number of the Peers of *England*, who accordingly met, and have accorded upon certain Articles, as well anent the maintenance of our Army, as anent the Cessation of Armes during the Treaty. And because the time for the ensuing Parliament of *England* could not permit the Treaty to come to the wished conclusion there. His Majesty was therefore likewise pleased to transerre the

CAROLI REGIS.

the said Treaty to London, where the Parliament is to hold, that there these intrusted by His Majesty and the Estates of Parliament, may have the better time and place to treat and conclude thereanent. Therefore we the said Commissioners, being a full number of both Quorums thereof under subscrivand, be vertue and conforme to the Commission granted to us by the Estates of Parliament, do not only approve the said Articles already agreed upon and subscribed by our said Commissioners at Rippon, but also doe give by these presents full Power, and Warrant, and Commission to *John Earle of Rothes*, *Lord Lesly*, *Charles Earle of Dunfermeling*, *Lord Vigubart* and *Fivie*, *John Lord Lowdon*, *Sir Patrick Hepburn of Waughton*, *Sir William Douglas of Cavers*, *William Drummond of Riccartone*, *John Smith of Edinburgh*, *Master Alexander Wedderburn of Dundee*, and *Hugh Kennedy of Aire*, as Members of the Estates of Parliament; and because many things may occur concerning the Church and Assemblies thereof, therefore besides these of the Estates, we nominate and appoint *Master Alexander Henderson*, and *Master Archbald Johnston*, whom we adjoyn for that effect, with full power to them or any seven of them, there being alwayes two of every Estate, to passe to the said City of London, and there, or at any other place conveni.

ANNO xvii.

convenient (mutually to be agreed upon) to meet and convene with any who shall be appointed by His Majesty and Estates of Parliament of *England* for the foresaid Treaty: Give and, grant and, and committand, like as we by these presents gives, grants, and commits to them in manner aforelaid, full Power, Warrant and Commission, to Treat, Consult, Advise, Determine and Agree, as well anent the satisfying and granting of our Demands, as in obtaining and securing a settled Peace for all time coming, conform to the Instructions given to them herewith, or whilk shall be sent to them hereafter, by us, or any one of the said Quorums at the Camp, or *Edenburg* thereant, with power to them as laid is, to do every thing which may conduce for the better and easier obtaining of our said Demands, and establishing a settled Peace, conform to the said particular Instructions, in such like manner as we might do, if we were all personally present our selves in full number: Promising to hold firm and stable all and every thing our said Commissioners in manner foresaid shall doe in the Premisses conform to the said Instructions: And in case it shall be found expedient or necessary, to adde any more Commissioners to the foresaid Persons, these who shall so be sent, authorized under our hands, or the full number of any of the said Quorums,

CAROLI REGIS.

runis, shall have a like Power and Commission be
vertue of these presents with the forenamed Com-
missioners, in like like manner as if their names
were particular expressed herein.

In witnesse whereof their presents are subscribed at Newcastle
and Edinburgh, the last of October and fourth of Novem-
ber, 1646 years. Rothes, Montrose, Cassellis, Lochian,
Lindesay, Balmerino, Naper, Barchly, Es Couper, Tho-
mas Hop, W. Riccarton, Home, W. Caprinton, I. Gart-
girth, Dundas, Edward Edgar, Richard Maxwell, James
Scott, Porterfield, W. Hamilton, Master William Moll,
Ja. S word, Hew. Kennedy, Rutherford.

And for as much as by vertue of the said Commissions, the
Commissioners therein authorized have at length treated, and
by the assistance and blessing of God have agreed upon the
heads and Articles following.

*Articles of the large Treaty concerning the
establishing of the Peace betwixt the Kings Majesty
and His People of Scotland, and betwixt the two Kingdomes,
agreed upon by the English and Scottish Commissioners at the
City of Westminster the seventh day of August, 1641. The
Scottish Commissioners having given in the Declaration
following, viz.*



We doe still in all loyalty, as becometh humble
and dutifull Subjects, acknowledge our de-
pendancy upon His Majesty as our dread So-
veraign, whether His Majesty live in Scotland,
or in England, and shall always, and in all
things

ANNO XVII.

things witness our high respects, and best affections to the Kingdom and Parliament of *England*, according to the strong bonds of Nature and Religion; by which the two Kingdoms are joynd under one Head and Monarch; yet as we are fully assured that the Kingdoms and Parliament of *England* is for the present far from any thought of usurpation over the Kingdom and Parliament of *Scotland*, or their Lawes and Liberties: so for preventing the misunderstanding of the posterity, and of strangers, and for satisfying the scruples of others, not acquainted with the nature of this Treaty, and the manner of our proceedings, which may arise upon our coming into *England*, and our Treating in time of Parliament, We doe by these declare and make known, That neither by our Treaty with the English, nor by seeking our Peace to be established in Parliament, nor any other Action of ours, doe we acknowledge any dependancy upon them, or make them Iudges to us or our Lawes, or any thing that may import the smallest prejudice to our Liberties: But that we come in a free and brotherly way, by our informations, to remove all doubts that may arise concerning the proceedings of our Parliament, & to joyne our endeavours in what may conduce for the Peace & good of both Kingdoms, no otherwise, then if by the occasion of the King His residence in *Scotland*, Commissioners in the like exigence should be sent thither from *England*; Did demand that His Majesty would be graciously pleased to Command that the Acts of the late Parliament may be published in His Highnesse Name, as our Sovereigne Lord, with consent of the Estates of Parliament convened by His Majesties Authority.

Whereunto it is answered and agreed, That forasmuch as the Kings Majesty, at the humble desire of His Subjects, did call and convene a Parliament to be holden at *Edenborough* the second day of *June* 1640. wherein certain Acts were made and agreed upon: Which Acts His Majesty (for the Peace and

good

CAROLI REGIS.

good of His Kingdom) is pleased to publish in His own name, with the consent of the Estates: And therefore commands that the said Acts, bearing date the eleventh day of *June 1640.* be published, with the Acts to be made in the next Session of the same Parliament, and that all the said Acts, as well of the precedent, as of the next Session to be holden, have in all time coming the strength of Law, and to be universally received and obeyed by all the Subjects of the Kingdom of *Scotland.*

His Majesty doth in the word of a King, promise the publishing of the said Acts, in such sort as is above specified. As for the manner of publishing the said Acts, His Majesty approves that the Declaration of the Estates in the beginning of the Acts, and the conclusion at the end, may be passed in silence at the publishing of the Acts, and left out in the printed copies: And if any thing shall further occur concerning the manner of publishing the said Acts, His Majesties Commissioners may then offer it to the Estates to be considered of, His Majesty being most assured, that the Estates of Parliament will have great care, not to suffer His Majesties Authority to be prejudiced in the managing of these great affairs. *3. December 1640.*

The second Demand, That the Castle of *Edenburgh,* and other strengths of the Kingdom, should with the advice of the Estates of Parliament, according to their foundation, be furnished, and used for defence and security of the Kingdom.

Is agreed unto.

The Third Demand, That Scottishmen within His Majesties Dominions of *England* and *Ireland* may be freed from censure for subscribing the Covenant, and be no more pressed with oaths, and subscriptions unwarranted by their Lawes, and contrary to their Nationall Oath and Covenant approved by His Majesty.

ANNO XVII.

It is thereto answered and agreed in His Majesties name upon December 8. 1640. That as His Majesty hath granted your first and second Demand; So we doe now in His Majesties name answer to the third; That all those, who in His Dominions of *England* or *Ireland*, have been imprisoned, forfeited, or censured any other way, for subscribing of the Covenant, or refusing to take any other oath, contrary to the same, shall be freed of those censures, and shall be fully restored to their liberties, estates and possessions. And for the time coming, That the Subjects of *Scotland*, as Subjects of *Scotland*, shall not be constrained to any oath contrary to the Lawes of that Kingdom, and the Religion there established. But such of the Kingdom of *Scotland*, as shall transport themselves into the Kingdoms of *England* or *Ireland*, and there be settled Inhabitants, either by way of having Inheritance or Free-hold, or by way of settled Trades (by which the way of trading of the Factors of Merchants, nor of Merchants themselves is not to be understood) shall be subject to the Lawes of *England* or *Ireland*, and to the Oathes established by the Lawes & Acts of Parliament in the said Kingdoms respectively, wherein they live and have their ordinary and constant residence, and not otherwise, and the English and Irish shall have the like priviledge in *Scotland*, December 8. 1640.

To the fourth Demand, Craving that His Majesty may be graciously pleased to declare, as an Act of His Royall justice, serving much to His own Honour for the establishing of His Throne, and for the good and peace of both Kingdoms, That whosoever shall be found upon tryall and examination by the Estates of either of the two Parliaments, (they judging against the persons subject to their own authority) to have been the authours and causers of the late and present troubles & combustion, whether by labouring to make and foment division
betwixt

CAROLI REGIS.

betwixt the King and His People, or betwixt the two Nations, or any other way, shall be lyable to the Censure and Sentence of the said Parliaments respectively conform to the paper of *December 9. 1640.*

It is answered upon the eleventh of *December 1640.* That His Majesty believeth, that he hath none such about him, And therefore concerning that poynt he can make no other Declaration, then that he is just, and that all His Courts of Iustice are free and open to all men, His Parliament in this Kingdome is now sitting, and the current Parliament of *Scotland* neer approaching the time of their meeting, To either of which he doth not prohibit any of His Subjects to present their just grievances, or complaints of whatsoever nature, each meddling and judging against the persons subject to their own authority, *11. December 1640.*

It is further answered upon the said eleventh of *Decem. 1640. 1641.* to the fourth Demand concerning Incendiaries, That His Majesty believeth He hath none such about Him, Therefore concerning that point, He can make no other Declaration, then that He is just, and that all His Courts of Iustice are free and open to all men, His Parliament in this Kingdom is now sitting, and the current Parliament in *Scotland* neer approaching the time of their meeting: In neither of which respective, he doth not prohibite the Estates to proceed in trying and judging of whatsoever of His Subjects.

And whereas it was further demanded, That as His Majesty would nor hinder any of His Subjects to be tryed and judged by the Parliament, so that none after the Sentence of the Parliament should have accessse to His Majesty, or be maintained or enjoy places or offices, and have credit or authority to inform and advise His Majesty conform to the paper of *December 23. 1640.*

It is declared in His Maiesties name upon *Decem. 30. 1640.*

ANNO xvii.

1641. beside His Maiesties former answer, His Maieſty hath commanded us to declare in His name, That he will not imploy any person or persons in Office or place, that shall be iudged incapable by Sentence of Parliament, nor will he make use of their service without the consent of Parliament, nor grant them access to His person, whereby they may interrupt or disturbe that firme peace which he now so much desireth; He being confident that they will proceed in a faire and iust way, and according to their severall professions, with that respect to His Honour, which in reason he may expect from good and dutifull Subiects. 30. December. 1640.

The fifth Demand, That their Ships and goods, and all damage thereof may be restored.

Is condescended unto, and to be reciprocal, that all ships and goods taken at Sea or stayed in Ports with damage, be restored on both sides, and that some summarie course be agreed upon for the performance thereof upon the demands of the particulars on both sides conform to the paper of December 30. 1640.

And further, it was agreed upon the seventh of January, 1640. 1641. That all Shipstaken and staid should be reciprocally restored on both sides; and that the Scottish Commissioners, having informed that about fourscore ships of Scotland are yet staid in the Ports, and are like to suffer much farther losse and damage, if they shall not be delivered into some hands who may have care of them; It is agreed for the more speedy expediting of the Scotch ships, and that the owners thereof be not longer damnified by the want of them, That Warrants shall be presently granted, for delivery of all their ships, and that four thousand pounds be presently advanced for caulking, Sail, Cordage and other necessities for helping the present setting forth of the said ships, and for the rest of this Article when
it

CAROLI REGIS.

it shall come in the sixth demand, it shall be agreed unto, *Septimo Januarii. 1640. 1641.*

To the sixth Demand, concerning the losses which the Kingdom of Scotland hath sustained, and the vast charges they have been put unto, by the occasion of the late troubles, and the reparations desired from the Justice and kindnesse of the Kingdom of England toward reliefe thereof in manner and upon the grounds expressed in the paper of the seventh of January, 1640. 1641.

It is answered, That this House thinks fit that a friendly assistance and relief shall be given towards supply of the losses and necessities of the Scots, and that in due time this House will take into consideration the measure and manner of it, conform to the paper of the two and twentieth of January, 1640. 1641.

And further, The Parliament upon the third of February did declare, That they did conceive that the Sum of three hundred thousand pounds is a fit proportion of that friendly assistance and reliefe formerly thought fit to be given towards supply of the losses and necessities of their brethren of Scotland, and that the house would in due time take into consideration the manner how, and the time when the same shall be raised, conforme to the paper of the third of February, 1640. 1641. and given into the Treaty upon the fifth thereof.

And whereas it was desired by the Scottish Commissioners, that the English Commissioners would let them know from the Parliament, the Security, manner and termes of payment of the foresaid summe of three hundred Thousand pounds, and of the arreares due for the reliefe of the Northern Counties.

It was agreed unto by warrant and Order of the Parliament, That they should have four score thousand pounds, as a part of the foresaid sum of three hundred Thousand pounds, with the whole arrears due to the Army before the disbanding thereof, conforme

ANNO xvii.

conforme to the paper of the 26. of May 1641. and given into the Treaty the 27. of the said Moneth.

And concerning the security for payment of the remanent of the said sum of three hundred Thousand pounds, which is Arrear, extending to two hundred and twenty thousand pounds, It is resolved and agreed unto by both Houses of Parliament, That an Act of Parliament of Publike Faith shall passe for security thereof, And that one moiety or equall half of the same extending to one hundred and ten thousand pounds shall be paid at Midsummer in Anno. 1642. And the other moiety or equall half to be paid at Midsummer in Anno. 1643. as the Order of the House of Parliament of the 19. and 25. daies of June 1641. do more fully purport.

And in like manner, whereas it was desired by the Scottish Commissioners, that they might know to whom they should addresse themselves for payment of the sums at the dayes appoynted by the Parliament, conforme the Parliaments determination of the nineteenth of June: Secondly, at what place the payment should be made: Thirdly, that a safe Conduct may be granted for the secure transporting of the monies to Scotland, at the termes of payment agreed upon.

It is Answered, and resolved by the Parliament, That these Barons, Lords, and Commissioners following, shall be the persons to whom the Scots shall addresse themselves for the receiving of the sums at the daies appoynted by the Parliament, Earle of Bedford, Earle of Essex, Earle of Warwick, Earle of Holland, Earle of Stamford, Lord Wharton, Lord Mandevill, Lord Brook, M. Martin, Sir Thomas Barrington, M. Capell, Sir Arthur Ingram, Sir Gilbert Gerrard, Sir Robert Pys, M. Henry Bellasis, Sir Walter Erle, Sir William Liston, Sir Henry Mildmay, Sir Thomas Cheek, Sir John Strangwaies, M. Arthur Goodwine, M. Hampden, Alderman Seame, Alderman Pennington.

Resolved

CAROLI REGIS.

Resolved upon the Question, That the place of payment shall be the Chamber of London.

Resolved upon the Question, That a safe Condukt shall be granted for the secure transporting of the money to Scotland, at the termes of payment agreed upon, at the charge of the Scots, conforme to the Paper of the 22. of June, 1641.

To the seventh Demand, Desiring that as His Majesty hath approven the A&S of the late Parliament, wherein all such Declarations, Proclamations, Books, Libels, and Pamphlets, as have been made, written, or published against His Loyall, and dutifull Subjects of Scotland are recalled, and ordained to be suppressed, and destroyed; So His Majesty may be pleased to give order, that the same may be recalled, suppressed, and forbidden in England, and Ireland, and that the loyalty, integrity, and faithfulness of His Majesties Subjects of Scotland, towards His Majesties Royall Person, and Government, may at the closing of the Treaty of Peace, and the time of publique Thanksgiving for the same, be made known in all places, and in all the Parish Churches in His Majesties Kingdoms.

This was the more earnestly desired, and confidently expected from His Majesties justice, and goodnesse, because no calamity, or distresse, hath so sore vexed, or so deeply wounded the hearts of His Majesties Subjects, as that their Loyalty, and love towards their Native King should have been contraverred, and by the malignancy of bad Instruments brought into suspection, and because they unsainedly desire, and pray for His Majesties happinesse, and are resolved by all meanes, and at all occasions to deny themselves, and what they have, for His Majesties Honour, as is more fully contained in the Paper of the 8. of February, 1640. 1641.

It is answered upon the tenth of February, 1640. 1641. We do agree, that Declarations, Proclamations, A&S, Books, Libels,

ANNO xvii.

hels, and Pamphlets that have been made, and published against the Loyalty, and dutifullnesse of His Majesties Subjects of *Scotland*, shall be recalled, suppressed, and forbidden in *England*, and *Ireland*, and that this be reciprocal in *Scotland*, if any such have been made, or published there, in prejudice of His Majesties honour: And this upon diligent enquiry to be done by the Authority of the Parliament next sitting in *Scotland*; Of which the Commissioners of *Scotland* do promise to have an especiall care. And we do also agree, That when it shall please Almighty God to grant a happy close of this Treaty of Peace, the Loyalty of His Majesties said Subjects shall be made known at the time of publique Thanksgiving, in all places, & particularly in the Parish Churches of His Majesties Dominions; Unto which we are the rather induced, for that you expresse, how deeply it hath wounded the hearts of His Majesties said Subjects, that their Loyalty, and love to His Majesty their Native King, should be brought in question, and suspicion, whereas they unfainedly desire, and pray for His Majesties Happinesse, and are resolved by all means, and at all occasions, to deny themselves, and what they have for His Majesties honour, 10. February, 1640. 1641.

Concerning the eight Demand, For an happy and durable Peace, which is the chiefest of all our desires, and unto which all our former seven Articles being now agreed upon, are as many preparations, we doe first of all desire that all Monuments, tokens and shewes of hostiliry upon the borders of the two Kingdoms may be taken away, and that upon the reasons and considerations particularly expressed in the paper of the tenth of February, 1640. 1641. That not only the Garrisons of *Barnwick* and *Carlisle* may be removed, but that the works may be sleighted, and the places dismantled.

It is answered, And agreed upon the fourteenth of June, that His

CAROLI REGIS.

His Majesty is desirous that all things betwixt the Kingdomes of *England* and *Scotland* be reduced into the same state they were in before the beginning of the late troubles: And therefore he doth give his assent to the advice of the two Houses of Parliament, that the Garrisons of *Barnwick* and *Carlisle* upon the disbanding of the Scottish army now in *England*, and of all such forces as are gathered together in *Scotland*, be likewise presently removed. And that the fortifications of *Barnwick* and *Carlisle* be also reduced to the same condition they were before the late troubles: So that all fortifications in *Scotland* be likewise put in the same condition they were before the said troubles, and that the works be not repaired but suffered to decay: And that the Ordnance & Ammunition be removed, and that it be without prejudice to His Majesties former grant of the second Demand concerning the keeping of the Castles of the Kingdom of *Scotland*, the fourteenth of June, 1641.

To their desire concerning unity in Religion, and uniformity of Church-government, as a speciall mean for conserving of peace betwixt the two Kingdoms, upon the grounds and reasons containyd in the paper of the tenth of March given in to the Treary and Parliament of *England*.

It is answered, upon the eleventh of June, that His Majesty with advice of both houses of Parliament doth approve of the affection of His Subjects of *Scotland* in their desire of having a conformity of Church-government between the two Nations, And as the Parliament hath already taken into consideration the reformation of Church-government, so they will proceed therein in due time, as shall best conduce to the glory of God, and peace of the Church and of both Kingdomes. Undecima Junij, 1641.

To their Desire of the Kings Majesty and the Prince their coming, and residing sometimes in *Scotland* upon the reasons given in February, 16, 1640. 1641.

It is Answered upon the ninth of June, That His Majesty doth take in good part, the sense his Subjects of Scotland have of His absence, and the dutifull expression they make of their desire to have Him & the Prince His sonne frequently amongst them, and assuring himselfe that they have no other intention in this demand, but meerly to expresse their love to His Person and the welfare of His ancient Kingdom. He declares unto them, That as He shall find the urgency of those affaires requires His presence, and His other conveniences here permit, He will repair thither and the Prince His sonne, so farre as he may know and be acquainted with the people there, 9. Junij. 1641.

To be Desired concerning the manner of choosing and placing of the Officers of State, Counsellors and Sessioners within the Kingdom of Scotland by advice of the Parliament, upon the grounds and reasons given in March. 15. 1640. 1641.

It is answered the ninth of June in His Majesties Name, We intend nothing more heartily and really, then that our people should be governed by the Laws of the Kingdom, and that all Judges in their severall Iudicatories should judge accordingly. Therefore we will never allow nor permit that either Counsellors, Officers of State, or Iudges, be examed from Our, and Our Parliaments trial and censure, for the discharging of their duties in their severall offices and places. Likewise we conceive that nothing will conduce more to the good of our service, and the peaceable and happy government of the Kingdom, then that Offices of State, places of Councell and Sessions, and other Iudicatories, be provided with honest, able, and qualified men. For which end, and because of Our necessary absence from that Kingdom, which maketh the qualification of persons fit for places lesse known unto Vs, We shall so farre give ear unto the Informations of Our Parliament, and when Our Parliament is not sitting, of Our Councell and Colledge of Justice, as that we shall either make choice of some one of
such

CAROLI REGIS.

such as they by common consent upon the vacancy of the place shall recommend unto us: Or if we shall conceive another person to be fitter then any of those recommended, We shall make the same known to the Parliament, or in the time between Parliaments to Our Councell and Session, that from them We may be informed of the qualifications and abilities of the person named by Vs, to the effect, that if by their information it shall appear to Vs, that there is just exception against the life and qualification of the said party, We may timely nominate some other against whom there shall be no just exception, By which means We doubt not, but that We shall from time to time chuse such honest men, as for their known integrities and abilities, shall be fit to discharge their places of Offices, with that duty and sufficiency which We and Our Subjects may justly expect, which intention of Ours being now so fully and cleerly expressed, We doubt not but will give good satisfaction to Our ensuing Parliament. And as We never intended to remove just and able men from their places in the Colledge of Iustice: So We doe now declare for Our peoples full satisfaction, that their places shall be provided unto them, *Quàm diu se bene gesserint*. And if this Our Answer cannot content the Scottish Commissioners, We do then remit the whole Answer to be considered by Vs or Our Commissioners, and the Parliament at the next sitting thereof, 9. June 1641.

To their desire of placing some Scottisshmen of respect about the King and Queenes Majesties, and the Prince His Highnesse, upon the grounds and reasons given in the 9. of April, 1641.

It is answered, His Majesties goodnesse and grace towards His Subjects of Scotland, in placing them about His own person in places of greatest neernesse and trust, hath been such as ought to give them full satisfaction of His Royall affection towards His Subjects of His Native Kingdom. Therefore for

this poynt His Majesty needeth only to assure them that he shall continue the same care which hitherto he hath done for their satisfaction in this particular; and not only so, but shall recommend the same to the Prince His Son, That successively the Kingdom of *Scotland* shall so tast of the care of their Sovereigns, that by the grace of God they shall never want a sufficient number of honest and sufficient persons of that Nation about the Kings person and Prince, against whom there shall be no just exception, 9. June 1641.

To their desire, that none may have place about His Majesty and the Prince, but such as are of the reformed Religion in manner expressed in the paper. 1. of April 1641.

It is answered, That His Majesty doth conceive that His Subjects of *Scotland* have no intention by this proposition (especially by way of Demand) to limit or prescribe unto him the choice of His Servants, but rather to shew their zeale to Religion, wherein His own Piety will make him doe therein that which may give just satisfaction to His people. 9 June 1641.

To their desire, given in the first of April concerning Copper-Coin.

It is answered, Whereas the Scottish Commissioners have represented unto His Majesty, the great prejudice sustained by the Kingdom of *Scotland*, through the coyning of Copper Money, which hath passed there this long time by gone, for seven times as much as the true value and worth thereof, contrary to the continuall custome of that Kingdome: And therefore desiring that no Copper-Money be coyned hereafter, without consent of the Estates convened in Parliament, who may remedy the present prejudices the Country sustaines thereby, and who upon good consideration of the necessity thereof in time to come, may appoynt such a competent proportion as is fit, and as the Country shall require for the use of the

CAROLI REGIS.

the poor, and for change in buying and selling of Commodities, and that the same shall not passe but according to the intrinsic value thereof, with the allowance of a tenth part, or such a proportion as the Parliament shall think fit to allow for the impression and workmanship in Coyning; His Majesty is graciously pleased to recommend unto the ensuing Parliament of Scotland the whole matter of Copper-Coin, and remits to their consideration to take such order therein as they shall think fitting, not only concerning the Copper-Coin to be coined hereafter, but also the Copper-Mony already coined, how the same shall take vent, and passe in Paiment in time coming, conforme to the Paper of the 9. of Iune.

¶ Concerning an Act of Pacification and Oblivion.

IT is agreed unto, That in the approaching Parliament of Scotland, there shall be an Act of Pacification, declaring, That the late Commotions and Troubles, arising from the innovation of Religion, and corruption of Church-Government, by the mercy of God, and the Kings royall wisdom and Fatherly care, are turned into a quiet calme and comfortable Peace, lest either His Majesties love, or the constant Loyalty of His Subjects in their intentions and proceedings, be hereafter called in question, and that such things as have fallen forth in these tumultuous times, while Lawes were silent, whether prejudiciall to His Majesties honour and authority, or to the Lawes and Liberties of the Church and Kingdom, or to the particular interest of the Subject (which to examine and censure in a strict course of Iustice, might

might prove an hinderance to a perfect Peace) may be buried in perpetuall oblivion: So it is expedient for making the Peace and Vnity of His Majesties Dominions the more firm and faithfull, and that His Majesties countenance against all feares, may shine upon them all the more comfortably; That an Act of Pacification and Oblivion be made in the Parliaments of all the three Kingdoms, for burying in forgetfulnesse all Acts of Hostility, whether betwixt the King and His Subjects, or between Subject and Subject, or which may be conceived to arise upon the coming of any English Army against *Scotland*, or the coming of the Scottish Army into *England*, or upon any action, attempt, assistance, counsell or device, having relation thereunto, and falling out by the occasion of the late troubles preceeding the conclusion of the Treaty, and the returne of the Scottish Army into *Scotland*: That the same, and whatsoever hath ensued thereupon, whether trenching upon the Lawes and Liberties of the Church and Kingdom, or upon His Majesties honour and authority, in no time hereafter may be called in question, or resented as a wrong, Nationall or Personall, whatsoever be the quality of the person, or persons, or of whatsoever kind or degree, Civill or Criminall the injury be supposed to be, and that no mention be made thereof in time coming, neither in judgement nor out of judgement, but that it shall be held and reputed as though never any such thing had been thought nor wrought: And this to be extended not only to all His Majesties Subjects now living, but to their Heirs, Executors, Successors, and all others whom it may concerne in any time to come: And for that end, that by the tenour of this Statute, all Iudges, Officers and Magistrates whatsoever, be prohibited and discharged of directing of Warrants for Citation, processing, or executing any sentence or judgement upon Record, or any way molesting any of His Majesties Lieges concerning the premises in all time coming; Like

CAROL I REGIS.

as that His Majesty for himselfe, and His Successors, promise in *Verbo Principis*, never to come in the contrary of this Statute or Sanction, nor any thing therein contained, but to hold the same in all points firme and stable; and shall cause it to be truly observed by all His Majesties Lieges, according to the tenour and intent thereof, for now and ever: And that in all time coming, these presents shall have the full force and strength of a true and perfect security, as if they were extended in most ample and legall form.

Providing, that the benefit of the said Statute shall no wayes be extended to any of the Scottish Prelates, or to *John Earle of Traquair*, *Sir Robert Spotswood*, *Sir John Hay*, and Master *Walter Belcanquall*, cited and pursued as Incendiaries betwixt the Kingdoms, and betwixt the King and His people, and for bribery, corruption, and many other grosse crimes, contained in their charges, generall and speciall, nor to any other person who are cited, and shall be found by the Parliament of *Scotland*, in His Majesties, or His Commissioners, their own hearing, to be so extraordinary guilty of these, and the like crimes, as they cannot in justice, and with the honour of the King and Countrey passe from them.

Provided further, that the benefit of this Act shall not be understood to extend to the favour of theeves, robbers, murderers, broken-men, Horners, Outlawes nor their receptors: With reservation also of the legall pursuits & processes of the Scots in *Ireland*, for the reparation of their losses, according to justice against such who have illegally wronged and persecuted them; Since by one of the Articles of the Treaty, they are appointed to be restored to their means and estates.

It is also to be understood, that nothing is meant hereby to be done in prejudice either of the payment of the debts oughten upon promises or security by the Scottish Army to any of the Counties, or to any person there (the same being instru-

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ded before the removall of the Scottish Army) or of the Arrears due to the Scottish Army, orto that brotherly assistance granted them by the Parliament of *England*.

That the great blessing of a constant and friendly conjunction of the two Kingdoms, now united by allegiance and loyall subjection to one Sovereigne and head, may be firmly observed and continued to all posterity; It is agreed that an Act be past in the Parliament of England, That the Kingdom of England, or Ireland, shall not denounce nor make war against the Kingdom of Scotland, without consent of the Parliament of England: As on the other part, it shall be enacted there, that the Kingdom of Scotland shall denounce nor make war against the Kingdom of England, or Ireland, without the consent of the Parliament of Scotland. No ships either of the Kings or Freebooters or others, shall stop the Trade of the Kingdom, or hinder or harme their neighbour Kingdom, without consent of Parliament declaring a breach of Peace; And if any Armies shall be levyed, or Trade stopped, and neighbours harmed or wronged, the Estates of the Country by which it is done, to be obliged to pursue, take and punish the offenders with all rigour; And if any of the Kingdoms assist, receive or harbour them, they ought to be punished as breakers of the Peace. And if after complaint and remonstrance to the Commissioners after mentioned, and to the Parliament, redresse and reparation be not made, then in that case the same to be counted a breach of the peace by the whole Kingdom. And in case any of the Subjects of any of the Kingdomes shall rise in Armes, or make war against any other of the Kingdomes and Subjects thereof, without consent of the Parliament of that Kingdom whereof they are Subjects, or upon which they doe depend, That they shall be held, reputed and demained as Traitors to the Estates whereof they are Subjects; And that both the Kingdomes in that case be bound to concur in the representing

CAROLI REGIS.

king of those that shall happen to arise in Armes, or make War without consent of their own Parliament. And that the way of convening forces for suppressing such as levy War be as in case of invasion. *Provided*, that this be not extended to any particular quarrels upon the Borders: And that it be Enacted that in such case, it shall be lawfull for any of the Subjects to convene to suppress such evill affected persons; and that each Kingdome shall be bound by Publique Faith punctually to perform this Article. And if either Parliament shall denounce war, they shall give three moneths warning.

That the Peace to be now established may be inviolably observed in all time to come, *it is agreed*, That some shall be appointed by His Majesty and the Parliaments of both Kingdomes, who in the interim betwixt the sitting of the Parliaments may be carefull that the Peace now happily concluded may be continued, and who shall endeavour by all meanes to prevent all troubles and divisions. And if any debate or difference shall happen to arise to the disturbance of the Common Peace, they shall labour to remove or compose them according to their power: It being supposed, that for all their proceedings of this kind they shall be answerable to the Kings Majesty and the Parliaments. And if any thing shall fall forth which is above their power and cannot be remedied by them, They shall inform themselves in the particulars, and represent the same to the Kings Majesty and the ensuing Parliament, that by their wisdoms and authority, all occasion and causes of troubles be removed, the Peace of the Kingdom may be perpetuall to all posterity. And it is declared that the power of the Commission shall be restrained to the Articles of Peace in this Treaty.

Where it is desired, That an Act may be made in the Parliament of England for ratifying of the Treaty and all the Articles thereof, which is likewise to be ratified in the Parliament of

ANNO xvii.

Ireland (which in all the Articles is comprehended under the name of *England*.) And after the Treary is confirmed in the said English Parliament, and all other necessary conditions performed, the Armies on both sides, shall at a certain day to be appointed for that effect, remove and Disband: So that when the Scottish Army shall remove from *Newcastle*, the English Army shall likewise be Disbanded and repair home to their severall Countreys and places of their residence; And the Irish Army to be Disbanded before that time, that hereafter a quiet and durable Peace may be kept according to the Articles: And that this Treary and whole proceedings thereof may be likewise ratified in the Parliament of *Scotland*, and a firme Peace established, It is desired that His Majesty may be graciously pleased now to declare that the ensuing Parliament of *Scotland* shall have full and free power, as the nature of a free Parliament of that Kingdome doth of it selfe import, to ratifie and confirme the Treary and whole Articles thereof, and to receive account of all Commissions granted by them, examine their proceedings, and grant exonerations thereupon, and to Treat, Deliberate, Conclude, and Enact whatsoever shall be found conducible to the setting of the good and Peace of that Kingdome; And that His Majesties Commissioners shall be authorized with full power to approve whatsoever Acts and Statutes, which upon mature deliberation shall happen to be accorded unto, by the Estates in that behalf, And shall fit and continue without interruption or prorogation, while all things necessary for that effect be Determined, Enacted & brought to a final conclusion: Vnlesse for the better conveniency of affaires, His Majesties Commissioners with the speciall advice and assent of the Estates shall think fit to Adjourne the same to any other time, which shall no wayes derogate from the full and perfect concluding of the whole premises before the said Parliament be dissolved.

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CAROLI REGIS.

This whole Article is assented unto, in so farre as concernes the dayes and circumstances of disbanding to be agreed unto.

Forasmuch as the severall jurisdictions and administrations of Iustice in either Realm, may be deluded and frustrated by Delinquents for their own impunity, if they shall commit any offence in the one Realm, and thereafter remove their persons, and make their abode in the other, Therefore that no person sentenced by the Parliament of either Nation as Incendiaries betwixt the Nations, or betwixt the King and His people, shall enjoy any benefit Civill or Ecclesiasticall, or have any shelter or protection in any other of His Majesties Dominions, Like as where Malefactors and Criminals guilty of the crimes mentioned in the Act of Parliament 1612. Cap. 2. and others of that nature, and committed by Scottishmen within the Kingdoms of England or Ireland, or any part thereof, are taken and apprehended in England or Ireland, That it shall be lawfull to the Iustices of England or Ireland to remand them to Sea or Land as the Acts bears. And further, if any Malefactors committing crimes in Scotland, England, or Ireland, being duly processed in the Kingdoms where the crimes are committed, and being fugitives, or remaining in any other of the Kingdoms foresaids, That the Iudges of either Kingdome shall be holden at the instance and suit of the party offended, to take and remand the Criminals and Malefactor to the Kingdoms where the Crimes were committed, and the like to be made in Scotland. And this would be extended as well to Debts as Crimes, and what further is requisite concerning this and other particulars for settling of Peace in the middle Shires, and accelerating Iustice upon the Delinquents, both in Civill and Criminall causes, is to be considered by the Committee appoynted for that effect.

It is answered, That such persons as shall be Natives in either Kingdome, and shall commit any offence in the Realme

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whereof they shall be Natives, and shall afterwards remove their persons into the other; And such persons as shall be inhabitants in either Kingdom, and shall commit any offence in the Realm where they shall be Inhabitants during the time of their habitation there, and shall afterwards remove their persons into the other, and shall be for the same censured by the Parliament of that Nation where the offence was committed, as Incendiaries betwixt the Nations, or betwixt the King and His people, shall not enjoy any benefit Civill or Ecclesiasticall, or have any shelter or protection in any other of His Majesties dominions. And that such Scottish Natives incensing the King of England against the Kingdom of Scotland, shall be remanded at the desire of the Scottish Parliament into Scotland, to abide their tryall and censure there, so that the same be reciprocal to both Nations; But other Criminals and debts to be referred to the Lawes.

**The Propositions and Articles, given in by
the Scottish Commissioners after the Lord Lowdons
return from the Parliament of Scotland.**

That the Treaty of Peace may be brought to a speedy and happy close, We do offer to your Lordships consideration the particulars following.

I. That so soon as the Scottish Army shall remove out of England to Scotland, the English garrisons of *Burwick* and *Carlisle* may remove *Simul & Semel*.

II. *Left* Malefactours who have committed theft, murder and the like crimes, crave the benefit of the Act of Pardon and oblivion, for whom it is now intended, there would

CAROLINEA.

would be an exception from the said Act of all legall pursuits intended or to be intended within the space of an year after the date of the Treaty against Cheeves, Homers, Outlawes, Fugitives, Murderers, Broken-men, or their Receptraries, for whatsoever thefts, rifes, hareships, oppressions, depredations or murders, done or committed by them, and all lawfull Decrets given or to be given by the Parliament, or any Commissioners to be appoynted by them for that effect, who shall have power to dignosce and take cognition whether the same falls within the laid Act of Pacification or Oblivion or not.

III. *It is* desired that the demand concerning the not making or denouncing warre with Forraigners, without consent of both Parliaments, may be condescended unto by the King and Parliament of *England*, which is ordinary and universally observed in all mutuall Leagues, which are both offensive and defensive; and because the wars denounced by one of the Kingdoms with forraigners, although made without consent of the other Kingdom, will engage them by necessary consequence. Or if the consideration of this Proposition shall require longer time then the present condition of the important affaires of the Parliament may permit, and least the speedy close of the Treaty be thereby impeded, It is desired, that this demand with the othertwo Articles of the same nature, the one concerning Leagues & Confederations, and the other concerning mutuall supply in case of Forraign invasion, may all Three be remitted to Commissioners to be chosen by both Parliaments, who shall have power to advise and Treat thereupon, for the good of both Kingdoms, and report to the Parliaments respectively.

IIII. *It is* desired that the Articles concerning Trade and Commerce, Naturalization, mutuall priviledge and capacity and others of that nature already demanded, may be condescended

scended unto by the King and Parliament of *England*, & namely that demandant the pressing of men and ships by sea or land. Or if shortnesse of time and exigence of affaires may not permit the present determination of these demands, It is desired, that the same (except so many of them as are already agreed unto by the Commissioners for trade) may be remitted to the Commissioners to be chosen by both Parliaments, who shall have power to treat and advise thereof for the good of both Kingdoms, and to make report to the Parliaments respectively, and that the Charters or Warrants of the Scotch Nation, for freedom of shipping in *England* or *Ireland* from all Customes, Imposts, Duties and Fees, more then are paid by the Natives of *England* or *Ireland*, granted by King *James*, under the broad Seale of *England* upon the eleventh day of *Aprill* in the thirteenth yeer of his reign, and confirmed by King *Charles* upon the nineteenth of *Aprill* in the eight year of His Reign, may be enacted and ratified in this Parliament.

V. That the extracts of Bonds and Decréits put upon Record and Register in *Scotland*, may have the like faith and execution as the French Tabellions have in *England* and *Ireland*, seeing they are of a like nature and deserves more credit, and if this cannot be done at this time, that it be remitted to the former Commission from both Parliaments.

VI. The manner of safe Conduet for transporting the monies from *England* to *Scotland* by Sea or Land, would be condescended upon in such way as the charges be not exorbitant, and may be presently known.

VII. The tenour of the Commission for conserving of Peace would be condescended unto, together with the times and

CAROLI REGIS.

and places of meeting, and whole frame thereof, the draught whereof when it is drawn up in *England*, is to be represented to the Parliament of *Scotland*, that they may make the like Commission, and name their Commissioners for that effect.

VIII. *The Parliament of Scotland* do joyne their earnest and hearty desires, and craves the Parliaments of *England* concurse, that none be placed about the Princes Highnesses, but such as are of the reformed Religion.

IX. *That an Act of Parliament of Publike Faith*, for payment of the 20000. pound, which is Arreare of the Brotherly Assistance, may be presently framed, and expd, according to the termes agreed upon.

X. *It is desired that the Quorum* to whom the Scots should addresse themselves, for payment of the two hundred and twenty thousand pounds be condescended upon.

XI. *That the Order for recalling all Proclamations, &c.* made against His Majesties Subjects of *Scotland*, be drawn up, and intimate in due forme and time, with the publique Thanksgiving at all the Parish Churches of His Majesties Dominions.

XII. *It is desired, that the Articles concerning the Castle of Edinburgh*, and other strengths of that Kingdom, may be understood to be, that the samen shall be disposed of, for the weale of the Kingdom, as the King and Parliament shall think expedient.

ANNO xvii.

9 The English Lords Commissioners
Answer.



Har upon the Disbanding of the Scottish Army, the Garrisons of *Barwick* and *Carlisle* shall be removed according to the Article of the Treatie in that behalfe.

The second Article is condescended unto, according to the Provision added to the Act of Pacification.

The third Demand, concerning making of Warre with Forraigners, with the other two Articles concerning Leagues and Confederations, and concerning mutuall supply, and assistance against forraign Invasion, is agreed to be referred to Commissioners to be chosen by His Majesty and the Parliaments.

As likewise the fourth, fift, and sixt Articles, concerning Trade, Commerce, Naturalization, mutuall Priviledges, and Capacity, and other of that nature; And the Demands concerning the Extract of Bonds and Decreits, and the manner of safe Conduct for transporting the Moneys from *England* to *Scotland*, are all referred to be taken in consideration by the Commissioners to be appoynted by both Parliaments, who shall have power to advise, and treat thereupon, and report to the Parliament respective.

It is just that the Tenor of the Commission for conserving of Peace, should be agreed on by mutuall consent, but the closing of

CAROLI REGIS.

of the Treaty not to stay hereupon, but to be left to the Commissioners to be named.

To that desire concerning such as should be placed about the Prince, the King hath already given a clear and satisfactory answer.

That there be an Act of Parliament of Publike Faith, for securing the payment of 220000. pounds which is Arriere of the Brotherly assistance, is just, and Order is given for it accordingly, and it shall be communicated with the Scottish Commissioners, that it may be a perfect security.

The tenth, for appoynting a *Quorum*, for attending the payment of the money, is already moved to the Parliament, and will be done as is desired.

The eleventh Article is very just, and Order shall be given accordingly for recalling all Proclamations, and for publique Thanksgiving.

This twelfth Article for the Castle of *Edenburgh*, and other Strengths of *Scotland*, is to be settled betwixt His Majesty and the Commissioners of *Scotland*, or by His Majesty and Parliament of *Scotland*.

All which Articles are assented unto, and approved by His Majesty, with the advice of the Parliament of England, and by the Committees of the Parliament of Scotland; and are necessary for publike Declaration of mutuall consent, and for firme observation, to be confirmed and ratified in the Parliament of both Kingdomes.

ANNO 1585

Be it therefore enacted by His Majesty, with the assent of the Lords and Commons in this present Parliament assembled, that the said Treaty and the Articles thereof, assented unto as aforesaid, be, and stand forever ratified, and established, and have the force, vigour, strength, and authority of a Law, Statute, and Act of Parliament.

Like as this above written Treaty, and whole Articles thereof, are by His Majesty and the Estates of the Parliament of Scotland to be Enacted and Ordained, to have in all manner the full force and strength of a true and perfect security and Act of the said Parliament.

And His Majesty for Himselfe and His Successors doth promise in *verbo Principis*, never to come in the contrary of this Statute and Sanction, nor any thing therein contained, but to hold the same in all poynts firme and stable, and shall cause it to be truly observed by all His Majesties Lieges, according to the tenor and intent thereof, for now and ever.

Like as the Parliaments of both Kingdomes gives full assurance, and doe make Publike Faith in name of both Kingdomes respectively, for the true and faithfull observance of this Treaty, and whole Articles thereof inviolably, hinc inde, in all times to come.

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